

PART 2045 - GENERAL

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Exhibit A - Positions Required to File the Standard Form (SF) SF-450

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PART 2045 - GENERAL

Subpart EE - Executive Branch Personnel Confidential Financial Disclosure Report (Standard Form (SF)-450)

§2045.1501 General.

This Instruction gives procedures for using the Standard Form (SF)-450, "Executive Branch Personnel Confidential Financial Disclosure Report." Appointed County Committee members are considered Special Government Employees and are exempt from filing the SF-450.

§2045.1502 SF-450.

Subpart I of Part 2634 of Title 5, Code of Federal Regulations (CFR) states that the SF-450 must be completed by executive branch employees who hold positions which have been determined to involve duties requiring personal and substantial participation through decision making or exercise significant judgment in: Contracting or procurement; administering or monitoring grants, subsidies, licenses, or other benefits; regulating or auditing non-Federal entities; or performing other activities having a direct and substantial economic effect on non-Federal entities.

(a) Initial forms. Employees with forms on file will be required to complete a new form when they are promoted and/or change jobs. Employees who are promoted to GS-7 Assistant County Supervisor positions, after receiving the appropriate training, will be required to file a new form within 30 days of such promotion. Any employee who is promoted from a noncovered position to one of the positions listed in Exhibit A of this Instruction will be required to file a form within 30 days of such promotion. All newly hired employees that are appointed to one of the positions listed in Exhibit A of this Instruction will be required to file a form within 30 days of appointment. In addition, the positions listed in Exhibit A of this Instruction must complete a yearly form.

(b) Filing period. The items to be reported on the SF-450 are for the period October 1 through September 30 of the previous year.

(c) Employees required to complete the SF-450. See Exhibit A of this Instruction.

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(d) Distribution of the SF-450.

(1) One copy of the SF-450 must be sent to employees, who are required to complete the form, by July 1 or no later than August 1. This is done by the State Director for State Office employees; Assistant Administrator, Finance Office (AAFO) for Finance Office employees; and Chief, Employee Relations Branch (ERB), Personnel and Employee Relations Staff (PERS), for National Office employees.

(2) An employee receives his/her first form when he/she obtains one of the jobs listed in Exhibit A of this Instruction.

(3) The issuing office will complete the blocks containing the Employee's Name, Position/Title, Grade, Date of Appointment, Agency, Branch/Unit and Address, and Work Telephone Number of each form prior to forwarding it to the employee.

(e) Execution of forms. Employees with jobs listed in Exhibit A of this Instruction must file the SF-450 no later than September 30 of each year.

(1) If extra space is needed, copies of the SF-450 can be used as continuation pages. A copy should be retained for the employee's records.

(2) Instructions for completing the form are located on the form.

(3) The form must be complete and accurate.

(4) If there is nothing to report for a section, check the "None" box located under each part.

(5) The employee must certify the report by signing and dating in the blocks which are located at the top of the SF-450.

(6) The form must be completed in ink only.

(f) Transmission of forms.

(1) The completed original form must be placed in a double sealed envelope. The inner envelope should be marked: "For Official Use Only," and indicate the employee's name.

(2) The outer envelope should be marked: "TO BE OPENED BY ADDRESSEE ONLY Contains SF-450" and be addressed to the:

(i) State Director for State employees.

(ii) AAFO for those employees under the jurisdiction of this Assistant Administrator.

(iii) Director, PERS, Attn: Chief, ERB for those employees located in the Finance Office but are under the jurisdiction of the Assistant Administrator for Procurement and Administrative Support (AAPAS) and Assistant Administrator for Information Systems Management (AAISM).

(iv) Director, PERS, Attn: Chief, ERB for National Office employees.

(3) The address of the National, State, or Finance Office should be placed on the outside envelope.

(4) The office issuing the forms will include envelopes with the appropriate information.

§2045.1503 Review and decision making of the SF-450.

The Administrator is responsible for a review and decision on statements except as delegated below.

(a) Responsibility for initial review and decision making. The following individuals are authorized to make the initial review and decision:

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§2045.1503 (a) (Con.)

- (1) State Directors or his/her designee for employees under their jurisdiction.
 - (2) The AAFO for employees under the Assistant Administrator's jurisdiction.
 - (3) Chief, ERB, PERS or his/her designee for those employees located in the Finance Office but under the jurisdiction of the AAPAS and AAISM.
 - (4) Assistant Administrator Human Resources (AAHR) for the Chief, ERB.
 - (5) Chief, ERB, PERS or his/her designee for National Office employees and for statements sent to the National Office.
- (b) Initial review assistance. Officials listed in paragraph (a) of this section and the following individuals are authorized to make a review of the SF-450.
- (1) State Offices: Chief, Administrative Programs and Human Resource Managers/Personnel Officers.
 - (2) Finance Office: Chief, Personnel Operations, Finance Office Branch.
 - (3) National Office: Chief, ERB, PERS and Employee Relations Specialists.
- (c) Initial review procedure.
- (1) Upon receipt of the SF-450 the date the form was received should be shown in the block at the top of form designated "Date Received by Agency."
 - (2) Use §2045.1504 of this Instruction and RD Instruction 2045-BB to make a review.
 - (3) If necessary, obtain assistance from the Chief, ERB, PERS.
 - (4) After making a review of the SF-450, the officials listed in paragraph (a) of this section will sign, date, and make notes on the top of the form designated for this purpose.

(5) Officials at higher levels may use the the block located at the top of the form designated for Final Agency Review.

(6) Review, document, and verify approval of ALL outside employment and activities reported on the SF-450.

(7) After the initial review, forward the original SF-450 showing any financial interest to the Chief, ERB, PERS for final review and signature.

(d) Responsibility for final determinations. The following officials have been delegated the authority to make a final determination in cases involving a substantial conflict of interest.

(1) Associate Administrator.

(2) Deputy Administrator for Management (DAM).

§2045.1504 Guidelines for making a review of the SF-450.

Use these guidelines to make reviews of and decisions on the SF-450.

(a) Specific guidelines. Examine each case on its own merits. Examine the duties and responsibilities of the employee to make a determination if there is a conflict of interest.

(1) Outside employment. Employees must not work:

(i) In real estate sales;

(ii) In real estate appraisal or assessing;

(iii) As a real estate agent or broker, title attorney, or title insurance agent;

(iv) As a contractor or builder;

(v) With a firm or person doing business with the Farmers Home Administration (FmHA) if that business is under the employee's authority at the FmHA; or

(vi) In anything that will be in violation of RD Instruction 2045-BB and Subpart H of Part 2635 of Title 5, CFR.

(2) Financial interest. There can be a conflict of interest when the employee has financial interests in:

(i) Agriculture or home construction and other similar businesses;

(ii) Banks or financial organizations operating within the area serviced by the employee; or

(iii) Companies that do business with the FmHA in the area served by the employee.

(3) Interests of "members of family." Examine the employment or financial interest of a spouse or member of family who is a resident of the employee's household.

(4) The existence of conflict of interest depends upon:

(i) How the activity, employment or financial interest of the employee affects persons doing business with the FmHA in the area served by the employee;

(ii) If employee can use FmHA actions to help self, others, or relatives with whom the employee has a business or financial relationship; and

(iii) If employees can use information not available to the public to help self, others, or relatives.

(b) Facts for referral of cases for final determination with substantial conflict. Send these cases to the officials listed in §2045.1503 (b) of this Instruction to make final decisions.

(1) When the employee asks for referral.

(2) When the final decision does not solve the problems.

(3) When the Administrator must make a decision that there is no financial interest so substantial as to affect the integrity of the employee's official duties.

(c) Request and approval of extensions for filing the SF-450. The following individuals are authorized to grant a reasonable period of time extensions (i.e., 30 to 90 days) for filing the SF-450. Each extension should be based on a legitimate request from the filer. These individuals are also required to develop a system to track all requests for extensions and/or approvals granted for filing the SF-450.

- (1) State Directors for employees under their jurisdiction.
- (2) The AAFO for employees under the Assistant Administrator's jurisdiction.
- (3) The Chief, ERB, PERS, or his/her designee for National Office employees and those employees located in the Finance Office but under the jurisdiction of the AAPAS and AAISM.

§2045.1505 Custody of the SF-450.

- (a) State Directors, the AAFO, and the Chief, ERB, PERS will keep the forms in a locked file cabinet and not with the Official Personnel Folder.
- (b) The Administrator and custodians can examine these forms. The Chief, ERB, PERS must get written permission from the Department's Counselor, Office of General Counsel, U.S. Department of Agriculture, for others to examine the forms.

§2045.1506 Control and record system of the SF-450.

The National, State, and Finance Offices will develop a system to track:

- (a) The positions required to file the SF-450.
- (b) The positions required to file after completing the necessary training.
- (c) The positions required to file with delegated loan approval authority beginning at grade GS-5.
- (d) All other positions in the State and District with delegated loan approval authority.

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§2045.1507 Reporting requirements for the SF-450.

All reports pertaining to the SF-450 will be due in the National Office, ERB, PERS no later than October 31.

§2045.1508 Time period for holding the SF-450.

Time period determined by the Office of Government Ethics for retention is 6 years. See Section 205 (d) of the Ethics in Government Act as amended, by 5 U.S.C. App. 4 Section 205 (d) and 5 CFR §2634.604 (a).

§§2045.1509 - 2045.1550 [Reserved]

Attachment: Exhibit A

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POSITIONS REQUIRED TO FILE THE STANDARD FORM (SF)-450

STATE

- (1) All loan program employees at grade GM-13 and above.
- (2) Farmer Programs Loan Officers, Rural Housing Loan Officers, and Community Program Loan Officers, GS-12, with loan approval authority and when they are the Chief, Loan Officer in State Office specialty positions.
- (3) All State and District Office Loan Specialists with loan approval authority.
- (4) Chief, Administrative Programs, GS-12/GM-13.
- (5) Contract Program Managers, Contract Specialists, Procurement and Small Purchase Specialists, Purchasing Agents, and Procurement Clerks/Assistants.
- (6) All County Supervisors with loan approval authority.
- (7) All Assistant County Supervisors, GS-7/9, who have been granted loan approval authority after receiving the appropriate training.
- (8) Assistant County Supervisors, GS-5, with delegated loan approval authority.

FINANCE OFFICE

- (1) Director and Deputy Director, Fiscal and Accounting Division.
- (2) Director and Deputy Director, Operations Division

NATIONAL OFFICE

- (1) Assistant Administrator for Budget, Finance and Management.
- (2) Assistant and Deputy Assistant Administrator for Human Resources.
- (3) Assistant Administrator for Procurement and Administrative Support and Special Assistant to the Assistant Administrator for Procurement and Administrative Support.
- (4) Assistants to the Administrator, grade GM-13 and above who are not Schedule C's.
- (5) Directors, ADP Security Staff and Management Support Staff.
- (6) Directors and Deputy Directors, General Services Staff, Property and Supply Management Staff; and Procurement Management Staff.
- (7) Chiefs, ADP Procurement Branch, Contract Operations Branch, and Policy and Program Management Branch; Head, Small Purchasing Section; Contract Specialists, grades GS-9 through GM-13; and Purchasing Agents regardless of grade.
- (8) Director and Deputy Directors, Applications Management Division, Information Resources Management Division, and Financial and Management Analysis Division.
- (9) Directors, Systems Requirements and Design Division, Systems Development Division, Information Technology Division, and Telecommunications Staff.
- (10) ALL loan program employees, grades GM-13 and above.
- (11) Chief, Employee Relations Branch, Personnel and Employee Relations Staff.
- (12) Director and Deputy Director, National Appeals Staff.
- (13) Chiefs, Appeals Hearing Branch and Appeals Review and Program Development Branch

